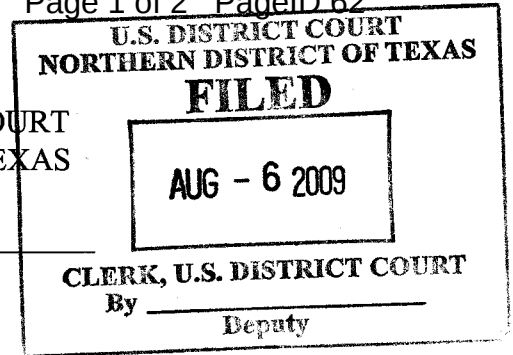


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION



SYLVESTER EUGENE WILLIAMS, PRO SE, §  
TDCJ-CID No. 430411, §

Plaintiff, §

v. §

2:09-CV-0133

JACKLYN McNEIL, THERESA HENDRICK, §  
and JAMES SUTTERFIELD, §

Defendants. §

**ORDER OF DISMISSAL**

Plaintiff SYLVESTER EUGENE WILLIAMS, acting *pro se* and while a prisoner confined in the Texas Department of Criminal Justice, Institutional Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-referenced defendants and was granted permission to proceed *in forma pauperis*.

On July 7, 2009, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause with prejudice as frivolous.

On July 15, 2009, plaintiff filed a motion for extension, requesting ten extra days in which to file his objections. Plaintiff appears to have miscalculated the extension as ending on July 24, 2009 when, in fact, it would have ended July 31, 2009. Although the Court did not rule on plaintiff's motion for extension, plaintiff has received a *de facto* extension well beyond that which he requested.

The period for objections has expired, and no further pleadings or correspondence have been received from plaintiff in this cause.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff SYLVESTER EUGENE WILLIAMS is DISMISSED WITH PREJUDICE AS FRIVOLOUS.


LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

IT IS SO ORDERED.

SIGNED AND ENTERED this 6<sup>th</sup> day of August, 2009.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE